

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D.L.T., M.D.T., and F.T.G.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

NILES GUTHRIE,

Respondent-Appellant.

UNPUBLISHED

August 23, 2002

No. 239114

Macomb Circuit Court

Family Division

LC No. 00-049676-NA

Before: White, P.J., and Neff and Jansen, JJ.

MEMORANDUM.

Respondent appeals the trial court's order terminating his parental rights to his children pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), (j), (k)(ii), and (n)(iii).¹ We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, pp 356-357.

We affirm the trial court's order terminating respondent's parental rights. The trial court terminated respondent's parental rights on six separate grounds; respondent's lack of a challenge to four of those grounds supports affirmation of the trial court's decision. MCL 712A.19b(3); *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993).

Respondent's argument that the trial court erred by terminating his parental rights is without merit. The evidence showed that respondent was incarcerated and could remain

¹ The children's mother is deceased.

incarcerated for more than a decade. He was unable to provide suitable housing or financial support for the children, and did not put forth a viable plan for their care. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that he could not provide proper care or custody for the children and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was reasonably likely that the children would be harmed if returned to respondent's custody, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ Helene N. White

/s/ Janet T. Neff

/s/ Kathleen Jansen